

### REMARKS

Applicants have amended claims 2 and 5 to overcome the rejection under 35 USC 112, second paragraph, without changing their scope. Withdrawal of the rejection under 35 USC 112, second paragraph, is respectfully requested.

Claims 1, 2 and 4-7 have been rejected as anticipated by Montierth. This rejection is respectfully traversed because Montierth does not identically disclose the subject matter of these claims as amended.

First, applicants note in response to the Examiner's comment regarding the filter being extruded as being of no patentable weight that the claims have been amended to recite this aspect of the invention in positive structural terms, by stating that the cells of the claimed filter are "of a unitary extruded structure," i.e., that they form a unitary structure and are of a structure as would be produced by extrusion.

Second, Montierth does not disclose the claimed increased thickness portion of the partition wall. The Examiner reads the claimed partition walls as corresponding to Montierth's walls 37-39 and states that the increased thickness portion is "the portion including parts 37 and 39 surrounding openings 36" which "has an increased thickness as compared to a remaining basic portion 38 of the partition wall." Careful review of Montierth's FIG. 5, to which the Examiner is referring to support this argument, shows that Montierth discloses no such thickened portion at all.

Montierth's filter in FIG. 5 has two sets of openings, denoted with reference numerals 35 and 36. As explained in the passage at col. 8, line 65 – col. 9, line 10, of Montierth:

The filter comprises a multiplicity of *thin* porous intersecting walls 37, 38 and 39 which define *identical* inlet end faces 31 and 32 (hidden) on a first pair of opposing sides of the filter 30 and an outlet end face 33 on another side of the filter 30 extending between the inlet faces 31 and 32. Horizontal *thin* walls 37 and vertical *thin* walls 38 intersect one another to define an inlet group of cells 35 open at and extending longitudinally in layers through the filter 30 between the inlet end faces 31 and 32. The *thin* walls 37 define with intersecting *thin* walls 39 outlet cells 36 open at and extending from the outlet end face 33 laterally through

the filter 30 in layers alternated with the layers of inlet cells 35. [Emphasis added.]

Thus, from what Montierth says, it is apparent that *all* of the walls 37-39 are thin, so there is no basis for concluding as the Examiner does that the portion including walls 37 and 39 is thicker than wall 38. This view is confirmed by the dotted lines on face 31 of the filter of FIG. 5, which show that walls 37 are of the same thickness as walls 38 and 39 on the same face. Persons of ordinary skill in the art would not have been put in possession of this aspect of the claimed invention by Montierth, since Montierth gives no indication that walls 37-39 are to be of different thicknesses and FIG. 5 shows that they are of the same thickness. Therefore, Montierth does not disclose any increased thickness portion as claimed, nor is there is any reason to believe that walls 37 and 39 provide a reduced flow resistance flow portion as claimed. Accordingly, the rejection of claims 1, 2 and 4-7 as anticipated by Montierth should be withdrawn.

The obviousness rejections of claims 8, 17-19 and 21 all rely on an alleged teaching in Montierth of an increased thickness portion. Since Montierth does not provide such a teaching, as explained above, the remaining references do not complete a *prima facie* case of obviousness because there is no motivation in any of the prior art to modify any of the disclosed structures so as to arrive at the claimed invention. These rejections should likewise be withdrawn.

In response to the obviousness-type double patenting rejection over the '781 patent, Applicants submit the attached terminal disclaimer. Withdrawal of the double patenting rejection is respectfully requested.

Early action allowing the claims in this application is solicited.

Attached hereto is a marked-up version of the changes made to the claims by this amendment, captioned "**Version with markings to show changes made**".

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to

**Deposit Account No. 03-1952** referencing docket no. 356312000121.

Respectfully submitted,

Dated: March 6, 2003

By: \_\_\_\_\_



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Twice Amended) A monolithic ceramic filter comprising a honeycomb structure comprising cells of a unitary extruded structure along an elongation axis and partitioned by a partition wall formed of a porous ceramic material, wherein an increased thickness portion of said partition wall of the honeycomb structure has an increased thickness as compared to a remaining basic portion of the partition wall, said increased thickness portion constituting a reduced flow resistance portion which continuously extends from an interior of the honeycomb structure to a lateral outer wall surface of the honeycomb structure so as to form a continuous flow path of reduced flow resistance as compared to the flow resistance of the remaining basic portion of the partition wall within the increased thickness portion along the partition wall extending over a plurality of cells to reach said lateral outer wall surface of the honeycomb structure,

said lateral outer wall surface extending substantially parallel to the elongation axis of the cells, and

said increased thickness portion continuously extending over substantially an entire axial length of the honeycomb structure along the elongation axis of the cells.

2. (Amended) The ceramic filter as defined in claim 1, wherein said reduced flow resistance [relaxing] portion has at least one filtrate discharge conduit opening extending to [an] said lateral outer wall surface of the honeycomb structure within the increased thickness of the reduced flow resistance [relaxing] portion.

5. (Amended) The ceramic filter as defined in claim 3, wherein said reduced flow resistance [relaxing] portion comprises a plurality of wall portions of increased thickness which extend parallel to each other.